

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Isaac Forman	Team: Squad #1	CCRB Case #: 201901103	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 01/30/2019 12:20 AM	Location of Incident: [REDACTED]	Precinct: 48	18 Mo. SOL 7/30/2020	EO SOL 3/16/2021	
Date/Time CV Reported Wed, 01/30/2019 12:42 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 02/06/2019 11:06 AM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM Jordan Moses	24160	963174	048 PCT
2. POM Rafael Santos	04863	964754	048 PCT
3. POM David Ramirez	25053	962711	048 PCT
4. POF Kimberly Rose	20482	963245	048 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Rafael Santos	Abuse: At § 87(2)(b) [REDACTED] in the Bronx, Police Officer Rafael Santos stopped the vehicle in which § 87(2)(b) [REDACTED] was an occupant.	[REDACTED]
B.POM Jordan Moses	Abuse: At § 87(2)(b) [REDACTED] in the Bronx, Police Officer Jordan Moses made a sexually suggestive gesture towards § 87(2)(b) [REDACTED]	[REDACTED]
C.POM Jordan Moses	Abuse: At § 87(2)(b) [REDACTED] in the Bronx, Police Officer Jordan Moses made a sexually suggestive remark to § 87(2)(b) [REDACTED]	[REDACTED]
D.POM David Ramirez	Discourtesy: At § 87(2)(b) [REDACTED] in the Bronx, Police Officer David Ramirez spoke discourteously to § 87(2)(b) [REDACTED]	[REDACTED]
E.POM David Ramirez	Abuse: At § 87(2)(b) [REDACTED] in the Bronx, Police Officer David Ramirez threatened § 87(2)(b) [REDACTED] with the use of force.	[REDACTED]
F.POM David Ramirez	Abuse: At § 87(2)(b) [REDACTED] in the Bronx, Police Officer David Ramirez refused to provide his name to § 87(2)(b) [REDACTED]	[REDACTED]
G.POM David Ramirez	Abuse: At § 87(2)(b) [REDACTED] in the Bronx, Police Officer David Ramirez refused to provide his shield number to § 87(2)(b) [REDACTED]	[REDACTED]
H.POM Rafael Santos	Abuse: Over the phone, Police Officer Rafael Santos threatened § 87(2)(b) [REDACTED] with the use of force.	[REDACTED]
[REDACTED]	§ 87(4-b), § 87(2)(g) [REDACTED]	[REDACTED]

Officer(s)	Allegation	Investigator Recommendation
[REDACTED]	§ 87(4-b), § 87(2)(g) [REDACTED]	[REDACTED]
[REDACTED]	§ 87(4-b), § 87(2)(g) [REDACTED]	[REDACTED]
[REDACTED]	§ 87(4-b), § 87(2)(g) [REDACTED]	[REDACTED]
[REDACTED]	§ 87(4-b), § 87(2)(g) [REDACTED]	[REDACTED]
[REDACTED]	§ 87(4-b), § 87(2)(g) [REDACTED]	[REDACTED]

Case Summary

On January 30, 2019, § 87(2)(b) called the IAB Command Center and filed this complaint. Original Log #2019-4265 was generated and was received at the CCRB on February 6, 2019.

On January 30, 2019, at approximately 12:20am, § 87(2)(b) was driving with his girlfriend, § 87(2)(b) when he was stopped by PO Rafael Santos, PO Jordan Moses, PO David Ramirez, and PO Kimberly Rose, who were assigned to the 48th Precinct (**Allegation A: Abuse of Authority- § 87(2)(g)**). After a brief interaction, the officers returned to their vehicle without issuing any summonses. PO Santos, the driver, then allegedly swerved in front of § 87(2)(b)'s vehicle and PO Moses then allegedly winked and waved at § 87(2)(b) and stated, "she does look good" in regard to § 87(2)(b) (**Allegations B and C: Abuse of Authority- § 87(2)(g)**). PO Ramirez approached § 87(2)(b) near his vehicle and allegedly used profanity and threatened to strike § 87(2)(b) (**Allegations D and E: Discourtesy and Abuse of Authority- § 87(2)(g)**). § 87(2)(b) then asked PO Ramirez for his name and shield number and PO Ramirez allegedly stated, "you don't need to know my name. I just told you I wanted to fight," and covered his shield and nameplate with his hand (**Allegations F and G: Abuse of Authority- § 87(2)(g)**). § 87(2)(b) reentered his vehicle and left the location. The following day, PO Santos allegedly called § 87(2)(b) via Facetime from a mutual acquaintance's phone and informed her that § 87(2)(b) was lucky she was present the night prior or the officers would have shot § 87(2)(b) (**Allegation H: Abuse of Authority- § 87(2)(g)**).

§ 87(4-b), § 87(2)(g)

§ 87(2)(b) stated that he was familiar with PO Santos and PO Moses because a few months before the incident, both officers had sexual relations with § 87(2)(b), § 87(2)(b)'s friend, after PO Santos and PO Moses arrested § 87(2)(b)'s boyfriend for domestic violence. The allegations were addressed in § 87(2)(b) and closed as Alleged Victim Unavailable. § 87(2)(g)

CCRB case numbers § 87(2)(b), and § 87(2)(b) also involve PO Ramirez and PO Santos and are discussed further below. An Executive Director's Critical Incident Report (EDCIR) was prepared regarding these series of complaints against these officers (Board Review 14).

No video footage of this incident was identified.

Findings and Recommendations

Allegation (A) Abuse of Authority: At § 87(2)(b) venue in the Bronx, Police Officer Rafael Santos stopped the vehicle in which § 87(2)(b) was an occupant.

§ 87(2)(b) testified that he was driving in the vicinity of § 87(2)(b) in the Bronx when a marked police vehicle pulled him over with lights and sirens. § 87(2)(b) was seated in the front passenger seat of his vehicle. He described his windows as having a 50% tint, which he believed was legal. § 87(2)(b) denied committing any traffic infractions prior to being pulled over. PO Santos, PO Moses, PO Ramirez and PO PO Rose approached his vehicle. As they were approaching, § 87(2)(b) told § 87(2)(b) that she recognized PO Santos and PO Moses. § 87(2)(b) also recognized them as the officers who previously responded to a domestic incident involving § 87(2)(b)'s best friend, § 87(2)(b). After the domestic incident PO Santos and PO Moses both began sleeping with § 87(2)(b). PO Santos approached the driver's side of § 87(2)(b)'s vehicle. § 87(2)(b) provided PO Santos with his driver's license and PBA cards, told him that he and § 87(2)(b) knew him, and mentioned § 87(2)(b)'s name. PO Santos acknowledged that he knew § 87(2)(b) and § 87(2)(b) returned the cards and § 87(2)(b)'s license, and told him to have a good night (Board Review 01).

§ 87(2)(b) recognized PO Santos and PO Moses as they approached the car. She knew them because they had a sexual relationship with § 87(2)(b) and added that they met § 87(2)(b) after her boyfriend was arrested the previous month. When PO Santos approached, she said, "Oh, PO Santos, you know me, I'm § 87(2)(b). At the same time § 87(2)(b) showed his PBA cards and PO Santos told him to have a good night (Board Review 01).

PO Santos testified that he observed § 87(2)(b)'s vehicle with two side windows and a rear window that were heavily tinted. PO Santos made the decision to stop § 87(2)(b)'s vehicle for tinted windows. There was no other reason he stopped the vehicle. Upon approaching § 87(2)(b)'s vehicle, he asked for license and registration. As § 87(2)(b) was retrieving this information, PO Santos observed several PBA cards in § 87(2)(b)'s wallet. § 87(2)(b) told PO Santos that his passenger, § 87(2)(b) knew him. PO Santos looked at § 87(2)(b) and recognized her from the neighborhood. He said hello and told them to have a good night. PO Santos decided not to issue any summonses because of § 87(2)(b)'s PBA cards (Board Review 03).

§ 87(2)(g) PO Santos informed PO Ramirez that he was going to stop § 87(2)(b)'s vehicle for tinted windows. PO Ramirez also observed § 87(2)(b)'s vehicle windows to be tinted. PO Santos asked § 87(2)(b) for his license and registration and then called out to the officers that they were going to go. Back in the police vehicle, PO Santos informed them that § 87(2)(b) had PBA cards (Board Review 04).

NYS Traffic Law 12-a (b) (2) states that no person shall operate a coupe vehicle with side windows that had a light transmittance of less than 70 percent. [NY CLS Vehicle & Traffic, § 375](#) (Board Review 05).

§ 87(2)(g)

Allegation (B) Abuse of Authority: At § 87(2)(b) in the Bronx, Police Officer Jordan Moses made a sexually suggestive gesture towards § 87(2)(b)

Allegation (C) Abuse of Authority: At § 87(2)(b) in the Bronx, Police Officer Jordan Moses made a sexually suggestive remark to § 87(2)(b)

§ 87(2)(g)

He testified that after the officers reentered their vehicle, PO Santos cut in front of § 87(2)(b)'s vehicle and angled towards the sidewalk. PO Moses, who was seated in the rear driver's side seat, rolled his window down. In his complaint to IAB, § 87(2)(b) alleged that PO Moses smiled and waved at § 87(2)(b) as if to say, "oh, you're with your boyfriend." He did not believe that it was simply a friendly wave since they were familiar with one another. During his CCRB testimony, § 87(2)(b) alleged that PO Moses waved and winked at § 87(2)(b) then laughed and nodded at the other officers while appearing to say, "she does look good." § 87(2)(b) testified that he did not hear PO Moses make this statement but read his lips (Board Review 01).

§ 87(2)(b) stated that after a brief interaction, the officers returned to their vehicles. They then drove a few feet forward and cut off § 87(2)(b)'s vehicle. PO Moses then rolled his window down and stated, "have a good night § 87(2)(b)." § 87(2)(b) described PO Moses as having a smirk on his face, as if he was trying to be funny (Board Review 02).

PO Moses testified that during the initial vehicle stop, he barely made it out of the police vehicle before PO Santos had turned and was walking away from § 87(2)(b)'s vehicle. At that point PO Moses reentered the rear driver's side of the vehicle. Up to this point, he had not seen § 87(2)(b). As the officers were driving away, § 87(2)(b) drove in front of them, cutting them off. PO Moses denied waving or winking at § 87(2)(b). He also denied stating, "she does look good," or anything else about or to § 87(2)(b) (Board Review 06).

All of the officers interviewed consistently testified that following the initial stop, and for no apparent reason, § 87(2)(b) drove in front of the police vehicle, cutting them off. None of the officers interviewed heard PO Moses make any statements regarding § 87(2)(b) or saw him wink or wave at her (Board Review 03, 04, and 07).

These allegations were pleaded as sexually suggestive gestures and remarks because it is reasonable to perceive winking and waving at § 87(2)(b) while commenting on her appearance, especially within the context of how PO Moses was familiar with § 87(2)(b) was sexual in nature.

§ 87(2)(g)

§ 87(2)(g)

Allegation (D) Discourtesy: At § 87(2)(b) in the Bronx, Police Officer David Ramirez spoke discourteously to § 87(2)(b)

Allegation (E) Abuse of Authority: At § 87(2)(b) in the Bronx, Police Officer David Ramirez threatened § 87(2)(b) with the use of force.

Allegation (F) Abuse of Authority: At § 87(2)(b) in the Bronx, Police Officer David Ramirez refused to provide his name to § 87(2)(b)

Allegation (G) Abuse of Authority: At § 87(2)(b) in the Bronx, Police Officer David Ramirez refused to provide his shield number to § 87(2)(b).

§ 87(2)(b) testified that he exited his vehicle and asked PO Moses what was funny. All four officers exited their vehicle. PO Santos, PO Ramirez, and PO Moses approached § 87(2)(b) near the driver's door of his vehicle. PO Rose stood with § 87(2)(b) who also exited the vehicle. PO Ramirez told § 87(2)(b) "I'll fuck you up. Get back in your fucking car. I'll slap the shit out of you." PO Ramirez then stated, "you know what, don't get back in your car because I'll fuck him up. I'll slap the shit out of him." § 87(2)(b) put his hands up over his head and stated, "this really how you're gonna act?" PO Ramirez replied, "Lower your hands just a little so I could smack you." PO Ramirez and § 87(2)(b) continued to go back and forth saying similar things. § 87(2)(b) then asked PO Ramirez for his name and badge number. PO Ramirez replied, "you don't need to know my name. I just told you I wanted to fight." PO Ramirez then placed his hand over his badge and name plate. All four officers then walked away (Board Review 01).

§ 87(2)(b) stated that the officers and § 87(2)(b) exited their respective vehicles. § 87(2)(b) put his hands up and PO Ramirez told him, "put your hands down so I could smack the shit out of you." During this interaction, § 87(2)(b) asked PO Ramirez to see his badge. § 87(2)(b) could not hear what, if anything, PO Ramirez said in response to this (Board Review 02).

PO Ramirez testified that, after swerving in front of the officers, § 87(2)(b) exited his vehicle and approached the officers' vehicle. All four officers exited their vehicle. PO Ramirez told § 87(2)(b) "get back in your fucking vehicle." PO Ramirez testified that he used the profanity because it was a tense moment. He testified that he used it the first time he told § 87(2)(b) to get back into the car. § 87(2)(b) walked back towards his car and PO Ramirez followed him with the other officers. § 87(2)(b) stated to the officers, "fuck you, I got my hands up. What're you gonna do?" PO Ramirez told him that if he did not get back into the car, he would "dis-con [him]." PO Ramirez denied stating, "I'll fuck you up. Get back in your fucking car. I'll slap the shit out of you." He denied saying fuck any additional times to the one referenced above. He denied stating, "lower your hands just a little so I could smack you." He denied threatening to smack or strike § 87(2)(b). PO Ramirez denied that § 87(2)(b) asked him for his name and badge number. He denied stating, "you don't need to know my name. I just told you I wanted to fight." He denied refusing to provide his name or shield number. He also denied covering his

shield and name plate with his hand. PO Ramirez testified that § 87(2)(b) reentered his vehicle and drove away (Board Review 01).

PO Santos testified that after § 87(2)(b) exited his vehicle, all four officers exited their vehicle. PO Santos denied hearing PO Ramirez make any of the alleged statements but believed that he did say “fuck,” while telling § 87(2)(b) to get back into his vehicle (Board Review 03). Neither PO Rose nor PO Moses testified to hearing PO Ramirez make any of the alleged statements nor use any profanity. Both denied hearing PO Ramirez refuse to provide his name or shield number and did not see PO Ramirez cover his shield with his hand (Board Review 06 and 07).

Where an officer uses an otherwise discourteous word during a stressful encounter where that officer is attempting to maintain control of the situation, that act does not rise to the level of actionable misconduct. NYPD Disciplinary Case No. 79627/04 (Board Review 08).

§ 87(2)(g) § 87(2)(b)
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§ 87(2)(b)

Allegation (H) Abuse of Authority: Over the phone, Police Officer Rafael Santos threatened § 87(2)(b) with the use of force.

§ 87(2)(b) testified that, the following day, he was informed by § 87(2)(b) that PO Santos had called her via video chat on a mutual friend’s phone. During that call, PO Santos told § 87(2)(b) that § 87(2)(b) had been lucky that she was there, or the officers would have shot him (Board Review 01).

§ 87(2)(b) stated that the following day, at approximately 8:00am, PO Santos called her via Facetime, from § 87(2)(b)’s phone. PO Santos stated, in regard to § 87(2)(b) “if that was anyone else, he would’ve gotten shot” (Board Review 02).

§ 87(2)(b) did not respond to contact attempts made by the investigation.

PO Santos testified that, the following day, he spoke to § 87(2)(b) via Facetime from a mutual friend’s, identified by the investigation as § 87(2)(b) phone. He could not recall the specifics of the conversation but believed that the prior night’s incident was discussed. He denied telling § 87(2)(b)

§ 87(2)(b) that § 87(2)(b) was lucky she was there or he would have been shot (Board Review 03).

None of the other officers interviewed were aware of any communication between any officer and § 87(2)(b) after this incident (Board Review 04, 06, and 07).

§ 87(2)(g)

§ 87(4-b), § 87(2)(g)

§ 87(4-b), § 87(2)(g)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]

§ 87(4-b), § 87(2)(g)

§ 87(4-b), § 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first complaint to which § 87(2)(b) has been a party (Board Review 11).
- This is the first complaint to which § 87(2)(b) has been a party (Board Review 11).
- PO Moses has been a member-of-service for two years and has been a subject in one other CCRB complaint and one other allegation. It was alleged in 201905179 that PO Moses had sexual relations with the victim of domestic violence that he met as a result of his involvement with arresting the perpetrator. That case was closed as alleged victim unavailable.
- PO Santos has been a member-of-service for one year and has been a subject in four other CCRB complaints and 10 other allegations. It was alleged in 201905179 that PO Santos had sexual relations with the victim of domestic violence that he met as a result of his involvement with arresting the perpetrator. That case was closed as alleged victim unavailable. 201809895 (assigned to Panel 11A-2019), 201901824 (assigned to Panel 11A-2019), and 201902570 remain open and are discussed below.
- PO Ramirez has been a member-of-service for two years and has been a subject in eight additional CCRB complaints and 24 allegations. 201801146 was closed pending litigation. 201809895, 201900416, 201900868 (assigned to Panel 11A-2019), 201901824, 201902570, 201904950 (assigned to Panel 11A-2019), and 201906210 remain open and are discussed below.
- There are several CCRB complaints against PO Ramirez and PO Santos, unrelated to the incidents involving § 87(2)(b) and § 87(2)(b) for alleged unprofessional and inappropriate behavior. In CCRB case 201809895, conducted a car stop of § 87(2)(b) and § 87(2)(b) during which they made comments about § 87(2)(b)'s "ass" and

told § 87(2)(b) that he sounded like a “little girl.” In CCRB case 201900868, PO Ramirez and PO Santos encountered § 87(2)(b) near his home and told him he could not park at the location. PO Ramirez told § 87(2)(b) that he had a Christmas gift for him, which he stated was “a hug, a heart, and a kiss.” PO Ramirez then told § 87(2)(b) over the loud speaker of the RMP, “The NYPD loves you.” These statements were caught on video. In CCRB case 201901824, PO Ramirez and PO Santos drove by § 87(2)(b) walking down the street, and told him, “I love you, bro,” over the loud speaker, which was captured on video. In CCRB case 201904950, PO Ramirez allegedly blew a kiss to § 87(2)(b) while at traffic court. In CCRB case 201902570, filed by § 87(2)(b), it was alleged that during a car stop conducted by PO Ramirez and PO Santos, one of them used physical force against § 87(2)(b) and stated, “I do this to niggers like you every day,” and that § 87(2)(b) mother, “sucks [his] nut.” § 87(2)(g)

§ 87(2)(b) In CCRB case 201906210, filed by § 87(2)(b), PO Ramirez responded to a 911 call and allegedly threatened to remove § 87(2)(b) to the hospital and call ACS. When leaving, PO Ramirez allegedly made a heart shape with his hands to § 87(2)(b) in a mocking gesture. In CCRB case 201900416, filed by § 87(2)(b), it was alleged that PO Ramirez spoke discourteously to § 87(2)(b) made comments to § 87(2)(b) Ali based on race, searched § 87(2)(b) vehicle, searched § 87(2)(b) recording device, and improperly took a photo of § 87(2)(b)

Mediation, Civil and Criminal Histories

- This complaint was deemed unsuitable for mediation.
- A FOIL request for Notices of Claim in regards to this incident was submitted to the New York City Office of the Comptroller on July 2, 2019. The results of this inquiry will be added to the casefile upon receipt.
- § 87(2)(b)
- According to OCA, § 87(2)(b) has no history of convictions in New York City (Board Review 13).

Squad No.: 1

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer:

Signature

Print Title & Name

Date